

House Resolution 1701 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Ashe of the 56th, Thomas of the 55th, Harbin of the 118th, Lunsford of the 110th, Walker of the 107th, and others

A RESOLUTION

1 Creating the House Study Committee for the Protection of Abused and Neglected Children;
2 and for other purposes.

3 WHEREAS, the interest of the child should be first and foremost in all of Georgia's child
4 protection laws; and

5 WHEREAS, the safety and welfare of Georgia's children is dependent upon the laws
6 established for the protection of children and the procedures for reviewing child custody
7 decisions; and

8 WHEREAS, Georgia's history is full of stories of tragedy involving the deaths of children
9 who were placed in temporary custody under the protective services of the Division of
10 Family and Children Services and cases where children were removed from loving foster
11 care parents and were unwisely returned to abusive biological parents; and

12 WHEREAS, moreover, this state is not immune from the horrible and tragic stories of child
13 abuse and child sexual exploitation; and

14 WHEREAS, many of these tragedies could have been avoided if our laws were better suited
15 to ensuring that all information regarding an abused or neglected child is made available to
16 a fact finder in a criminal or child custody case; and

17 WHEREAS, the greatest injustice in a legal system is a procedure that hides the truth of the
18 abusive treatment of a child; and

19 WHEREAS, individuals, foster parents, Division of Family and Children Services
20 employees, and law enforcement officers have witnessed these tragedies first hand and, in
21 order to make a difference, these individuals have come together and made recommendations
22 to improve Georgia's legal system in child abuse and child custody cases; and

1 WHEREAS, the voices of these concerned individuals have too long been ignored; it is time
2 to seriously consider their pleas for statutory changes and create comprehensive legislation
3 for the protection of Georgia's children; and

4 WHEREAS, the interests of Georgia's children must be #1 in Georgia's child protection
5 laws.

6 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
7 there is created the House Study Committee for the Protection of Abused and Neglected
8 Children to be composed of six members. The Speaker of the House of Representatives shall
9 appoint six members of the House of Representatives as members of the committee and shall
10 designate one of such members as chairperson. The committee shall elicit the views from
11 experts who shall include case workers from Division of Family and Children Services, law
12 enforcement officials from local law enforcement agencies who shall have experience
13 investigating child abuse cases, prosecutors with experience prosecuting child abuse cases,
14 the child advocacy officer, juvenile court judges with extensive experience in termination of
15 parental rights cases, and attorneys who shall be a member of the Georgia bar with extensive
16 experience in representing the best interest of a child in a child custody proceeding. The
17 committee shall meet at the call of the chairperson.

18 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
19 needs, issues, and problems mentioned above or related thereto and recommend any actions
20 or legislation which the committee deems necessary or appropriate. The committee shall
21 specifically undertake to consider the following legislative proposals based upon
22 recommendations from experienced individuals working in the child care area:

- 23 (1) Termination of parental rights where a parent or custodian has exhibited a pattern of
24 misbehavior resulting in permanent or serious injury to the child;
- 25 (2) Mandating that the termination of parental rights petition shall be filed within 12
26 months following placement of a child into temporary custody;
- 27 (3) Authorizing DNA testing of a male parent in a termination of parental rights
28 proceeding for the purpose of overriding a presumption that a husband of a wife at the time
29 of a child's birth is the biological father of the child where there is a basis for believing
30 the male is not the child's biological parent;
- 31 (4) Providing oversight of special assistant attorneys general appointed to represent the
32 Division of Family and Children Services in termination of parental rights hearings or
33 temporary custodial hearings;

1 (5) Providing for appeals to the superior court from a juvenile court decision in certain
2 cases involving the termination of parental rights;

3 (6) Clarifying the admission of evidence related to past parental misconduct in a
4 termination of parental rights case;

5 (7) Authorizing foster parents to attend termination of parental rights hearings;

6 (8) Mandating drug and alcohol testing for custodians of abused children under
7 investigation upon certain conditions that permit a finding that drug and alcohol use
8 relates to the abuse or neglect of the child; and

9 (9) Authorizing the child advocacy officer to have access to termination of parental
10 rights hearings, records, and case files.

11 In addition, the study committee should undertake to study and evaluate current law and
12 government policies and practices related to the sexual exploitation of children, particularly
13 the commercialization of child sexual exploitation, and the need to improve such laws,
14 policies, and practices. The study committee should also study and evaluate whether
15 additional regulation of the adult entertainment industry is warranted to minimize the
16 secondary effects of such industry relating to children, such as child prostitution and
17 commercial exploitation of children.

18 BE IT FURTHER RESOLVED that the committee may conduct such meetings at such
19 places and at such times as it may deem necessary or convenient to enable it to exercise fully
20 and effectively its powers, perform its duties, and accomplish the objectives and purposes
21 of this resolution. The legislative members of the committee shall receive the allowances
22 provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. All other
23 funds necessary to carry out the provisions of this resolution shall come from funds
24 appropriated to the House of Representatives. The expenses and allowances authorized by
25 this resolution shall not be received by any member of the committee for more than three
26 days unless additional days are authorized. In the event the committee makes a report of its
27 findings and recommendations, with suggestions for proposed legislation, if any, such report
28 shall be made on or before December 31, 2008. The committee shall stand abolished on
29 December 31, 2008.